Supreme Court, U.S.
FILED
99 454 JUL 8 1999
OFFICE OF THE CLERK

No. _____

IN THE
Supreme Court of the United States

Mack Henry Richardson

v.

Department of Veteran Affairs and Allen Goss

On Petition For Writ Of Certiorari
Fifth Court Of Appeals

PETITION FOR WRIT OF CERTIORARI

Mack Henry Richardson
109 Hillsdale Drive
Pineville, LA 71360

QUESTION(S) PRESENTED

The question posed before this Honorable Court is, when Congress created a statute to allow an individual to bring a civil action against the United States and it's agencies for willfulness, intentional, and unlawful invasion into personal and fundamental rights protected by the Constitution of the United States. And to enforce any liability under this Statute.

Congress also gave the United States District Courts jurisdiction in such matters for the protection of individual rights.

Can an individual bring a civil action against the United States, and its' agencies in district court for willfulness, intentional and unlawful invasion into personal and fundamental rights protected by the Constitution under this statute created by Congress for this purpose? To correct error's made by that agency and to be assured fairness in any matter that's to be determined by that agency.

LIST OF PARTIES

[X] Parties appear in the caption of the case on the cover page.

[ ] All parties **do not** appear in **the** caption of the case on the cover page. A list of all parties to the proceeding whose judgment is the subject of this petition is as follows:

TABLE OF CONTENTS

OPINIONS BELOW.....1

JURISDICTION.....2

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.....3

STATEMENT OF THE CASE.....4

REASONS FOR GRANTING THE WRIT.....5

CONCLUSION.....6

INDEX TO APPENDICES

APPENDIX A - Decision of Fifth Circuit Court of Appeal

APPENDIX B - Decision of Western District Court

APPENDIX C - Decision of Fifth Circuit Court of Appeal on Petition for rehearing

APPENDIX D - Title 5 U.S.C. 552a(g)(1)(C)(D)(4)(5)

APPENDIX E - Title 5 U.S.C. 552a(e))5)(7)(9)(10)

APPENDIX F - Section 2 of Pub. L. 93-579

APPENDIX G - Mr. Goss ban letter

APPENDIX H - Mrs. Waghorn report of contact

APPENDIX I - Letter of pension entitlement

APPENDIX J - white paper

TABLE OF AUTHORITIES CITED

CASES **NONE** **PAGE NUMBER**

STATUTES AND RULES

First Amendment of the Constitution
Title 5. U.S.C. 552a(g)(1)(C)(D)(4)(5)
Title 5 U.S.C. 552a(e)(5)(7)(9)(10)
Section 2 of pub. L 93-579

OTHER

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[ ] For cases from federal courts:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

[ ] reported at _____; or

[ ] has been designated for publication but is not yet reported; or,

[x] is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

[ ] reported at _____; or,

[ ] has been designated for publication but is not yet reported; or ,

[x] is unpublished.

For cases from state courts:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

[ ] reported at _____; or,

[ ] has been designated for publication but is not yet reported; or,

[ ] is unpublished.

The opinion of the _____ court appears at Appendix ___ to the petition and is

[ ] reported at _____; or,

[ ] has been designated for publication but is not yet reported; or,

[ ] is unpublished.

JURISDICTION

[ ] For cases from federal courts:

The date on which the United States Court of Appeals decided my case was February 2, 1999.

[ ] No petition for rehearing was timely filed in my case.

[x] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: April 9, 1999, and a copy of the order denying rehearing appears at Appendix C.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

[ ] For cases from state courts:

The date on which the highest state court decided my case was _____. A copy of that decision appears at Appendix_____.

[ ] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A- _____.

The jurisdiction of this Court is invoked under 28 U.S.C. 1257 (a).

[ ] A timely petition for rehearing was thereafter denied on the following date: and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted ti and including _____ (date) on _____ (date) in Application No. A- _____.

The jurisdiction of this Court is invoked under 28 U.S.C. 1275(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

First Amendement of the Constitution

Section 2 of pub-L. 93-579

Title 5 U.S.C. 552a(e)(5)(7)(9)(10)

Title 5 U.S.C. 552a(g)(1)(C)(D)(4)(5)

STATEMENT OF THE CASE

Plaintiff is a disabled Veteran. In 1996, plaintiff exercised his First Amendment Right and voiced his opinion about his medical treatment. Thereafter, he was charged with crimes for asking about his treatment. Physicians whose filed of practice is Otolaryngology and Pathology respectively refused medication needed to treat these disabilities. These physicians are physicians with control of other physicians. They are not orthopedic physicians. It was never discussed with orthopedic physicians'.

Because plantiff's disabilities are painful and life threatening, plaintiff still voiced his opinion about treatment, and was charged with more crimes and barred from a Federal Institution without the opportunity for a hearing to determine guilt or innocence. One charge was filed with the Justice Department. It was requested by the Justice Department to dismiss this charge, and the Justice Department accepted no further charges. The Director of this institution refused to give plaintiff a hearing and permanently barred plaintiff from that institution.

As an honorably discharged Veteran in receipt of a VA Pension entitlement treatment is a right.

Plaintiff has not had a hearing as of yet. Everyone plaintiff contacted for assistance in this matter had been told that plaintiff was drug seeking. They were never informed of plaintiff's disabilities nor that an orthopedic specialist had ordered the medication. But by the fact that the Director and the (2) other physicians tried to hide the fact that plaintiffs disabilities are painful and nothing can change this. Plaintiff's medical problems are real and cannot be corrected. Congressmen and others were told plaintiff was drug seeking. Medicare, S.S.I. and the VA have all certified that plaintiff is indeed disabled with painful disabilities.

REASONS FOR GRANTING THE PETITION

There are no other cases found that allow an individual to sue the United States for unlawful invasion into personal rights and freedom. But Congress Finding and Statement of Purpose and 5 U.S.C. 552(a)(g)(1)(C)(D)(4)(5) allows an individual to bring a lawsuit against the United States and its agencies to enforce any liability. The records in the system of record are false. Plaintiff has not been convicted of a crime by the Federal Government. But the system of record maintained by this agency state that plaintiff has been convicted of (3) crimes, and other information, which is untrue. This has had many adverse effects on plaintiff's entitlement rights.

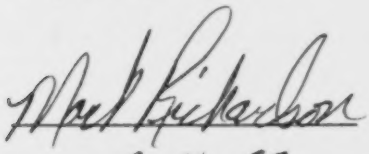
These records also show and describe how plaintiff exercised his rights guaranteed by the First Amendment and this information is not within the scope of Authorized law enforcement activity or without authorization from plaintiff. These records have caused substantial harm, embarrassment, inconvenience and unfairness to the plaintiff.

Plaintiff prays that the Honorable Court decides that plaintiff may bring his civil action. The Acts of Congress must be followed. Congress gave the District Court of the United States sole jurisdiction in this matter and action to enforce any liability against the United States in the District Courts. These records are still maintained and unchanged.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 9-8-99

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 98-30298
Summary Calendar

U.S. COURT OF APPEALS
FILED
FEB 02 1999
CHARLES R. FULBRUGE III
CLERK

MACK HENRY RICHARDSON,
Plaintiff - Appellant
VERSUS
U.S. DEPARTMENT OF VETERAN AFFAIRS; ALLEN S. GOSS,
Defendants-Appellees

Appeal from the United States District Court
For teh Western District of Louisiana
USDC No. 97-CV-2392

Before WISDOM, JONES, AND EMILIO M. GARZA, Circuit Judges.
PER CURIAM:

Mack Richardson a veteran, filed suit against the United States Department fo Veterans Affairs and Allan Goss, director of the VA's medical center in Alexandria, LA, alleging a violation under 42 U.S.C. 1983. He also alleged that he was denied sue process of law because he was denied asccess to the medical center based on criminla charges without an opportunity for a hearin, and that there was no forum or remedy by which to seek restored access to the medical center. The district court dismissed Richardson's suit for failure to state a claim upon which relief could be granted under Fed R. Civ. P. 12(b)(6) and for lack of subject-matter jurisdiction under Fed R. Civ P. 12(b)(1)[1]. On appeal, Richardson argues that the defendants violated his First Amendment rights by barring him from the VA medical center following several incidents in which Richardson expressed his difference of opinion regarding treatment of his condition. Reading Richardson's inariculate brief liberally, it appears that he has raised the following claims:

Pursuant to 5th CIR. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th CIR. R. 47.5.4.

1) a 1983 civil rights violation; 2) a Bivens claim [2] for violation of his constitutional rights; and 3) a Federal Tort Claims Act Violation. None of Richardson's claims has merit. We affirm.

Richardson has failed to state a claim upon which relief can be granted. He initially characterized his claim as arising under 42 U.S.C. 1983. This statute applies only to state actors, and not to federal agencies.[3] The VA is a federal agency, and its employees are federal actors. There can be no claim under 1983, and the district's court's dismissal was proper.

The district court also properly dismissed Richardson's claims for lack of subject-matter jurisdiction. District courts lack subject-matter jurisdiction in any dispute, such as this one, which concerns the denial of veterans' benefits.4 Although Richardson has cloaked his complaint in the mantle of the First Amendment, he is only challenging the fact that his benefits were withheld for a period of time. Thus, the district court lacked subject-matter jurisdiction. Even if this case is characterized as one of constitutional dimension, and not simply a dispute over denied VA benefits, the district court still lacks subject-matter jurisdiction; no *Bivens* remedy exists against VA employees.5 Richardson's First Amendment claim cannot be brought under the Federal Tort Claims Act either. Constitutional torts, such as the instant one alleged, are not cognizable under this Act.6

Accordingly, Richardson's claim was properly dismissed for failure to state a claim upon which relief can be granted and for lack of subject-matter jurisdiction.

AFFIRMED

Where the district court did not expressly state its grounds for dismissal, it did state that "we support the government's position and find no purpose will be served to rehash the various arguments to the parties." Record 2, 161. The government had argued in its Motion to Dismiss that Richardson's complaint failed to state a claim upon which relief could be granted and that the district court lacked subject-matter jurisdiction. Record 1, 25-51.

2. In *Bivens v Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388(1971), the Supreme Court established that the Constitution may, in some circumstances, support a private cause of action against federal officials for constitutional torts.

3. *Resident Council of Allen Parkway Village v, Unites States Dep't of Hous. & Urban Dev.*, 980 F. 2nd 1043, 1053 (5th Cir. 1993)

4. *Zuspann v. Brown*, 60 F.3d 1156, 1158-59 (5th Cir. 1995)

5. *Id.* at 1161

6. See *F.D.I.C. v. Meyer*, 510 U.S. 471, 476-78 (1994).

UNITED STATES DISTRCIT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRI DIVSION

MACK HENRY RICHARDSON
VS
UNITED STATES DEPARTMENT OF VETERNA AFFAIRS AND
ALLEN GOSS

CIVIL ACTION NO. 97-2392

SECTION "A" (JUDGE LITTLE)

ORDER

Before this court is a motion to dismiss by defendants United States Department of Veterans Affairs and Allen Goss. For the reasons that follow, defendants' motion is GRANTED.

On 9 December 1997 plaintiff Mack Henry Richardson filed a complaint naming the United States Department of Veterans Affairs and Allen Goss, Director, as defendants. Plaintiff alleges, under 42 U.S.C. 1983, that the United States violated his "constitutional and civil rights by denying him acess to the VA Medical Center [in] Alexandria, Louisiana." Plaintiff further alleges a denial of due process "by having criminal charges held against him without having an opportunity of a hearing." Now before this court is defendant's motion to dismiss.

We have carefully reviewed all of defendant's arguments and supporting authorites as well as plaintiff's opposition. We support the government's position and find no purpose will be served to rehash the various arguments of the parites. Based upon the authorities submitted by defendants, the motion to dismiss is GRANTED.

It is hereby ORDERED that the petition against the defendants si DISMISSED WITH PREJUDICE.

Alexandria, Louisiana
19 March 1998

F.A. LITTLE, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT

FILED
USDC, WESTERN DISRTICT OF LA
ROBERT H. SHEMWELL, CLERK
DATE 03/19/98
BY MEL

JUDGMENT ENTERED March 20, 1998
BY Donna M. Fleet
COPY TO Haliburton
Richardson

APPENDIX B

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT
NO. 98-30298

U.S. COURT OF APPEALS
FILED
APR 9 1999
CHARLES R. FULBRUGE
III
CLERK

MACK HENRY RICHARDSON
Plaintiff - Appellant
v.
US DEPARTMENT OF VETERANS AFFAIRS; ALLEN GOSS
Defendants - Appellees

Appeal from the United States District Court for the
Western District of Louisiana, Alexandria

ON PETITION FOR REHEARING

Before WISDOM, JONES and EMILIOM. GARZA, Circuit Judges
PER CURIAM:

It is ordered that the petition for rehearing filed in the above case is denied.

ENTERED FOR THE COURT:

John Minor Wisdom
United States Circuit Judge

REHG - 2

CLERK'S NOTE:
FRAP AND LOCAL
RULES 41 FOR STAY OF
THE MANDATE.

APPENDIX C

TITLE 5 U.S.C. 552a(g)(1)(C)(D)(4)(5)

(g)(1) CIVIL REMEDIES-Whenever any agency

(C) fails to maintain any record concerning any individual with such accuracy, relevance, timeliness, and completeness as is necessary to assure fairness in any determination relating to the qualifica tions, character, rights, or opportunities of, or benefits to the individual that may be on the basis of such record, and consequently a determination is made which is adverse to the individual; or

(D) fails to comply with any other provision of this section, or any rule promulgated thereunder, in such a way as to have an adverse effect on an individual.

the indiviual may bring a civil action against the agency, and the district courts of the United States shall have jurisdiction in the matters under the provisions of this subsection.

(4) In any suit brought under the provisions of subsection (g)(1)(C) or (D) of this section in which the court determines that the agency acted in a manner which was intentional of willful, the United States shall be liable to the individual in an amount equal to the sum of

(A) actual damages sustained by the individual as a result of the refusal of failure, but in no case shall a person entitled to recovery receive less than the sum of $1,000; and

(B) the costs of the action together with reasonable attorney fees as determined by the court.

(5) An action to enforce any liability created under this section may be brought in the district court of the United States in the district in which the complaint resides, or has his principal place of business, or in the District of Columbia, without regard to the amount in controversy, within two years from the date on which the cause of action

arises, except that where an agency has materially and willfully misrepresented any information required under this section to be
disclosed to an individual and the information so misrepresented is material to establishment of the liability of the agency to the individual under this section, the action may be brought at any time within two years after discovery by the individual of the misrepresentation. Nothing in this section shall be constructed to authorize any civil action by reason of any injury sustained as the result of a disclosure of a record prior to September 27, 1975.

TITLE 5 U.S.C. 552a(e)(5)(7)(9)(10)

(e) AGENCY REQUIREMENTS- Each agency that maintains a system of records shall-

(5) maintain all records which are used by the agency in making any determination about any individual with such accuracy, relevance, timeliness, and completeness, as is reasonably necessary to assure fairness to the individual in the determination;

(7) maintain no record describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statue or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity;

(9) establish rules of conduct for persons involved in the design, development, operation, or maintenance of any system of records, or in maintaining any record, and instruct each such person with respect to such rules and the requirements of this section, including any other rules and procedures adopted pursuant to this section and the penalties for noncompliance;

(10) establish appropriate administrative, technical, and physical safeguards to insure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained.

SECTION 2 of Pub. L. 93-579

Section 2 of Pub. L. 93-579 provided that:

"(a) The Congress finds that-

(1) the privacy of an individual is directly affected by the collection, maintenance, use, and dissemination of personal information by Federal agencies;

(2) the increasing use of computers and sophisticated information technology, while essential to the efficient operations of the Government, has greatly magnified the harm to individual privacy that can occur from any collection, maintenance, use or dissemination of personal information;

(3) the opportunities for an individual to secure employment, insurance, and credit, and his right to due process, and other legal protections are endangered by the misuse of certain information systems;

(4) the right to privacy is a personal and fundamental right protected by the Constitution of the United States; and

(5) in order to protect the privacy of individuals identified in information systems maintained by Federal agencies, it is necessary and proper for the Congress to regulate the collection, maintenance, use and dissemination of information by such agencies.

(b) The purpose of this Act [enacting this section and provisions set out as notes under this section] is to provide certain safeguards for an individual against an invasion of personal privacy by requiring Federal agencies, excepts as otherwise provided by law, to-

(1) permit an individual to determine what records pertaining to him are collected, maintained, used, or disseminated by such agencies;

(2) permit an individual to prevent records pertaining to him obtained by such agencies for a particular purpose from being used or made available for another purpose without his consent;

(3) permit an individual to gain access to information pertaining to him in Federal agency records, to have a copy made of all or any portion thereof, and to correct or amend such records;

(4) collect, maintain, use, or disseminate any record of identifiable personal information in a manner that assures that such action is for a necessary and lawful purpose, that the information is current

and accurate for its intended use, and that adequate safeguards are provided to prevent misuse of such information;

(5) permit exemptions from the requirements with respect to records provided in this Act only in those cases where there is an important public policy need for such exemption as has been determined by specific statutory authority; and

(6) be subject to civil suit for any damages which occur as a result of willful or intentional action which violates any individual's rights under this Act."

DEPARTMENT OF VETERANS AFFAIRS
Medical Center
Alexandria, LA 71360-6002

February 24, 1997

In Reply Refer To: 502/00PA

Mr. Mack H. Richardson
109 Hillsdale Drive
Pineville, LA 71360

Dear Mr. Richardson:

I have considered your request of January 23, 1997, to lift the ban on your use of this VA Medical Center. Your conduct and the offenses you committed warrant the continuation of this ban regardless of any charges the U.S. Attorney's Office may have dropped or may still have pending. I have decided that your conduct has been such that the ban will continue. You may enter this Medical Center facility for emergency medical treatment only. For other medical needs, you may go to Huey P. Long Hospital or other VA Medical Centers. This decision is final. You will continue to have one point of contact at this Medical Center and it will remain Mr. Al Speer, Chief, Police & Security Service.

Sincerely,

Allan S. Goss
Director

2/24/97
Mailed to Mack Richardson
return receipt requested/Certifed

GOVERNMENT EXHIBIT N

REPORT OF CONTACT
VAMC Alexandria, LA

DATE OF CONTACT 2/20/97
PERSON CONTACTED Ms. Florence Claggett
ADDRESS OF PERSONS CONTACTED
Office of Inspector General, Washington, DC
TELEPHONE
(202) 565-8633

GOVERNMENT EXHIBIT M

BRIEF STATEMENT OF INFORMATION REQUESTED AND GIVEN

In response to a complaint from veteran patient Mack Henry Richardson (438-84-0182), I received a call from Ms. Claggett of the IG. I briefly explained the circumstances which led to our barring Mr. Richardson from the Medical Center except for emergency services. These circumstances were:

July 17, 1996 incident of disorderly conduct resulting in the disruption of normal operations of the Emergency Treatment Unit.

August 5, 1996 incident of disorderly conduct in Release of Information Office.

October 28, 1996 incident in which Mr. Richardson was arrested by VA Police for Disturbance/Disorderly Conduct.

Dec. 2, 1996, Simple assault and intimidation in Release of Information Unit. Assault resulted in minor injury to the arm of a clerk.

Dec. 4, 1996, incident in which Mr. Richardson became "disruptive, hostile, insulting, argumentative, and threatening" with his physician who refused to prescribe Percocet which was not medically warranted. Mr. Richardson is a convicted felon for robbery:

Based on these circumstances, we barred Mr. Richardson from this Medical Center except for emergency medical treatment. Our action was supported by a General Counsel opinion letter dated 1988 and an opinion letter from the Assistant District Counsel in New Orleans to Assistant Chief, MAS, Shreveport VAMC dated Aug. 1989. Our actions were in accordance with the opinion letters and met the requirements of minimum

due process for Internal review and opportunity to respond. Mr. Richardson's response has further included a recurring series of essentially harassing phone calls to Medical Center personnel, District Counsel, Inspector General, and Congressional Offices.

Ms. Claggett's question concerning what we were doing to assist Mr. Richardson to get care brought us to a situation of conflicting responsibilities which we have been unable to resolve satisfactorily. As managers of a federal institution, we have the requirement to provide a safe and harassment-free workplace for our employees. Currently, we have many employees who are seriously afraid of Mr. Richardson. This legal requirement seemingly conflicts with the legal requirement to provide care to eligible veterans. Mr. Richardson may not have many alternatives for medical care: he is unemployed, not eligible for Medicare, not eligible for fee-basis care at VA expense, and his conduct at this and some community medical centers has made him unwelcome. However, Mr. Richardson may obtain care at Huey P. Long Hospital, which is a charity care facility, or at other VA medical centers.

At this point based on the above opinion letters and in the absence of any other legal ruling, our intent is to continue to ban Mr. Richardson from this Medical Center except for emergency medical treatment. Since Mr. Richardson has continued to press this issue, we intend to issue him a follow-up letter stating a final decision to this effect.

DIVISION OR SECTION
OFFICE OF THE ASSOCIATE DIRECTOR

EXECUTED BY
KAREN Y. WAGHORN, Associate Director

REPORT OF CONTACT

VA OFFICE ELIGIBILITY

IDENTIFICATION NOS (C, XC, SS,XSS, V,K, ETC,) 438-84-0182

LAST NAME - FIRST NAME-MIDDLE NAME OF VETERAN

Richardson, Mack Henry
109 Hillsdale Drive
Pineville, LA 71360
318-487-8058

RECEIVED
OFFICE OF DIRECTOR
THE ASSOCIATE

97 FEB 12 PM 2:26

VA MEDICAL CENTER
ALEXANDRIA, LA 71301

Date of Contact
2/13/97

Brief statement of information requested and given

Mr. Richardson is a VA pensioner with entitlements of all medical, hospital care, and necessary test towards his personal health. Mr. Richardson is not entitled to outpatient dental care or prothesis devices.

Mr. Richardson has the following non-service connected disabilities:

1. Neurosis 30%
2. Duodenal Ulcer 10%
3. Impairment of femur 10%
4. Back Strain 10%
5. Hypertension 10%

No Aod & Attendance, not housebound.... not eligible for fee card. (Fee card would only provide for those care needs not met by VA Alex anyway - because vet is local)
per H. Powell / 2-18-97

DIVISION OF SECTION
PRIMARY CARE

EXECUTED BY
CURTIS DOUZART ELIGIBILITY CLERK

GOVERNMENT EXHIBIT B

Appendix I

CONFIDENTIAL

DEPARTMENT OF VETERANS AFFAIRS
VETERANS HEALTH ADMINISTRATION

White Paper

1. **Purpose:** To providde background information surrounding incidents incolving Mack H. Richardson, 438-84-0182, and his subsequent barring from the Alexandria VA Medical Center, except for emergency medical treatment.

2. **Background:** Mack H. Richardson is a 44 year old black male who has been a patient at the AlexandriA VA Medical Center in Louisiana for six years and is being managed for chronic back pain and hypertension. He served in the United States Navy from February 29, 1972 until August 29, 1972, a total of five months. He is a Catergory A, non-service connected veteran who is receiving a VA pension.

3. **Chronocile of Events:**

07/17/96 Mr. Richardson presented at the Evaluation and Treatment Unit (ETU) complaining of pain and requesting medication in the form of Percocet in a loud and demanding voice. The ETU physician, Dr. Roberts, refused to provide Mr. Richardson with Percocet, but offered to give him a shot for pain relief or some other form of medication. Mr. Richardson refused this offer. During this time the Admitting Clerk notified Police Service of a disturbance. One police officer and two firemen arrived to assist with escorting Mr. Richardson when he was finished being treated. Mr. Richardson verbally taunted the police and fire personnel, but departed the grounds without additional incident.

07/22/96 US District Court issued Mr. Richardson a violation notice for disorderly conduct.

DRAFT

GOVERNMENT EXHIBIT C

08/05/96 Mr. Richardson presented at the office of Chief, Medical Records Section. Ms. Diane Robichaux (Row-ba-show) to request information concerning a missing progress note from an Orthopedic doctor, a progress report concerning CDOP and a notation on his records that stated, "Mr. Richardson is not to hand carry his own medical records." Ms. Robichaux attempted to explain VA policy to Mr. Richardson, but he became louder and more angry. Mr. Richardson then got out of his chair and closed the door of Ms. Robichaux's office. He then told her in a loud and threatening voice that the VA had him under investigation and he wanted to know why. Ms. Robichaux then notified the Police for assistance. Police personnel escorted Mr. Richardson off-station without further incident.

10/15/96 Mr. Richardson filed a $1,000.000 torte claim with District Counsel, Shreveport, Louisiana, for alleged harassment and failure to provide adequate care by the Alexandria VA Medical Center.

12/04/96 Mr. Richardson presented at the ETU complaining of pain and requesting the physician on duty, Dr. Heldt, prescribe Percocet for this pain. Dr. Heldt refuses to provide this medication, but offered other methods of pain management. Both Dr. Heldt and Mr. Richardson began arguing in loud voices. Mr. Richardson then exclaimed that his blood pressure was going up and that it was Dr. Heldt's fault. He then appeared to faint and fell off the examination table, striking his head during the fall. X-Rays were immediately taken, which showed skull series as negative. Mr. Richardson was held for several hours for observation, then discharged.

12/06/09 Mr. Richardson is issued a letter advising him that he no longer be permitted on the grounds of the Alexandria VA Medical Center except for treatment of a bona-fide emergency, as determined by the ETU physicain on duty.

DRAFT

4. **Additional Information:**

It is the opinion of the physicains at this Medical Center that Mr, Richardson is acting out from drug seeking behavior. District Counsel, VISN 16 Director and appropiate PAO channels have been notified.

As of December 16, 1996, no media inquiries have been received. Increased media inquires are not anticipated.

More information will be provided as it becomes available.